



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David J. Luneau et al.
Serial No. : 10/038,866
Filed : January 4, 2002
Title : TELEPHONE NETWORK MESSAGING

Art Unit : 2645
Examiner : Gerald Gauthier

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION DATED DECEMBER 9, 2004

Claims 1-20 stand rejected as anticipated by Albal, U.S., Patent Application No. 2003/0147518 A1. Dependent claims 21-22 stand rejected as obvious over Albal and Tate, US Patent No. 6,509,833.

In the Reply to the Office Action dated June 19, 2003 (filed November 19, 2003), Applicants explained in detail why the previous rejection was improper, because the prior art cited previously against the claims (Wolf and a number of secondary references) do not disclose the claim 1 feature of “setting up a *non-associated* telephone call.” In that Reply, Applicants quoted extensively from the passages in the specification that explain, in detail, that a “non-associated” telephone call is expressly defined in the specification of the current patent application, as “a simulated telephone call from a simulated calling party.” “[N]o actual call is provisioned.” Applicants have been their own lexicographer with regard to this term, and request that the Examiner review the arguments, because they are equally applicable to the current rejection.

Albal is not about setting up a non-associated telephone call. Albal is about provisioning real telephone calls from real calling parties. Albal is not about simulated telephone calls, or simulated calling parties. The Examiner purports to find disclosure of a “non-associated

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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 18, 2005

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telephone call" in paragraph [0025] of Albal. But this paragraph is all about provisioning an actual call from an actual calling party, not a simulated call from a simulated calling party, which is the express definition of a "non-associated telephone call." (E.g., "[w]hen a caller 60 places a call to a called party 62 or subscriber ...") There is no support in this paragraph for a simulated telephone call, in which only the Caller-ID information is communicated to the receiving telephone. That is what the Applicants' invention is all about—see the passages quoted in the Reply to the previous Office Action.

Applicants submit that all claims remain in condition for allowance, which action is requested. In view of the repetition of essentially the same basis of rejection, counsel for Applicants request that the Examiner contact him at the telephone number below to discuss this matter further if there is any uncertainty that Albal does not disclose a "non-associated telephone call."

A petition for a three-month extension of time is included herewith, together with a check for the required fee (\$510).

Please apply any other charges or credits to deposit account 06-1050, reference 10200-010001.

Respectfully submitted,



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Date: May 18, 2005

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